

To: Boydston, Michael[Boydston.Michael@epa.gov]
From: Rothery, Deirdre
Sent: Fri 1/29/2016 3:37:04 PM
Subject: RE: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form

Thanks very much for your quick review. Take care, Dee

From: Boydston, Michael
Sent: Thursday, January 28, 2016 2:54 PM
To: Rothery, Deirdre <Rothery.Deirdre@epa.gov>
Cc: Sutin, Elyana <Sutin.Elyana@epa.gov>; Varilek, Kimberly <Varilek.Kimberly@epa.gov>
Subject: RE: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form

Ex. 5 - Attorney Client

I hope this is helpful. Please let me know if something doesn't look right or if you have any questions. Thanks.

Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

From: Rothery, Deirdre
Sent: Wednesday, January 27, 2016 7:06 AM
To: Boydston, Michael <Boydston.Michael@epa.gov>
Subject: FW: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form

Hi Mike,

Could you please take a quick look at this and let me know if you have any comments?

Thanks,

Dee

From: Schiller, Ron
Sent: Thursday, January 21, 2016 3:03 PM
To: Rothery, Deirdre <Rothery.Deirdre@epa.gov>
Cc: Jackson, Scott <Jackson.Scott@epa.gov>; Daly, Carl <Daly.Carl@epa.gov>
Subject: RE: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form

Dee

As you requested, I've drafted a reply to Sheena. It borrows from what Claudia said in her email.....

Sheena:

This is a follow up to some of the questions you had asked us in your email dated January 10th, 2016. First, in addition to the four Utah tribes covered by our Region that were mentioned in a

previous email, we forgot to include the Ute Mountain Ute Tribe of the Ute Mountain Reservation. As to your question on why there are no Federal Implementation Plans for our five Utah tribes, it has not been necessary for any Utah tribes to have one. For New Source Review permitting, the National Review of New Sources and Modifications in Indian Country is a FIP that applies to all Reservations nationwide, until it is replaced by a TIP or designation. For NAAQS compliance, FIP's have not been necessary because there are no moderate or severe Non Attainment Area designations for the reservations. It may be possible the EPA will develop a FIP for one or more of these tribes in the future, but that depends on what type of FIP you are asking about (that is, for what Clean Air Act purpose).

We hope this helps answer your questions. If you need further information please let us know.

From: Rothery, Deirdre
Sent: Thursday, January 14, 2016 3:40 PM
To: Schiller, Ron
Cc: Jackson, Scott
Subject: FW: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form

Ron,

Based on Claudia's information below, could you please draft a response to Sheena's latest email and circulate it to Carl and I for review?

Thanks,

Dee

From: Smith, Claudia
Sent: Thursday, January 14, 2016 12:55 PM
To: Rothery, Deirdre <Rothery.Deirdre@epa.gov>
Cc: Schiller, Ron <Schiller.Ron@epa.gov>
Subject: RE: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form

Thanks, Dee,

I think we will need to ask Ms. Christman for clarification on what type of FIP she is inquiring about (i.e. what CAA purpose). For NSR permitting, reservation-specific FIPs have not been necessary yet in Utah, with the national Review of New Sources and Modifications in Indian Country, which is a FIP and applies to all Reservation Indian country nation-wide until replaced by a TIP or designation. For NAAQS compliance, FIPs have not been necessary yet, because there are no moderate or more severe NA areas designated for those Reservations. If we respond to her after proposing the potential U&O FIP, we can point to that, but not before.

Thanks,

Claudia

From: Rothery, Deirdre

Sent: Thursday, January 14, 2016 12:41 PM

To: Boydston, Michael <Boydston.Michael@epa.gov>; Daly, Carl <Daly.Carl@epa.gov>; Smith, Claudia <Smith.Claudia@epa.gov>; Siffring, Stuart <Siffring.Stuart@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Okubo, Noreen <Okubo.Noreen@epa.gov>; Morales, Monica <Morales.Monica@epa.gov>; Jackson, Scott <Jackson.Scott@epa.gov>

Cc: Varilek, Kimberly <Varilek.Kimberly@epa.gov>; Schiller, Ron <Schiller.Ron@epa.gov>

Subject: RE: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form

Hi Mike,

Thanks for noting the clarification. This just came in the door, Ron Schiller is our current Tribal Air Coordinator, so Matt forwarded the email on to him. We will need to discuss this to determine how best to respond and who should take the lead. We will keep you in the loop.

Take care,

Dee

From: Boydston, Michael

Sent: Thursday, January 14, 2016 12:39 PM

To: Rothery, Deirdre <Rothery.Deirdre@epa.gov>; Daly, Carl <Daly.Carl@epa.gov>; Smith, Claudia <Smith.Claudia@epa.gov>; Siffring, Stuart <Siffring.Stuart@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Okubo, Noreen <Okubo.Noreen@epa.gov>; Morales, Monica <Morales.Monica@epa.gov>; Jackson, Scott <Jackson.Scott@epa.gov>

Cc: Varilek, Kimberly <Varilek.Kimberly@epa.gov>

Subject: RE: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form

Thanks, Dee. One minor correction to the HQ answer is that R8 deals with the Ute Mountain Ute tribe (#7 on the list) as well as those numbered 3 through 6. (R9 deals with Navajo and Confederated Goshute.)

Who's responding to the FIP questions?

Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

From: Rothery, Deirdre

Sent: Thursday, January 14, 2016 12:28 PM

To: Boydston, Michael <Boydston.Michael@epa.gov>; Daly, Carl <Daly.Carl@epa.gov>; Smith, Claudia <Smith.Claudia@epa.gov>; Siffring, Stuart <Siffring.Stuart@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Okubo, Noreen <Okubo.Noreen@epa.gov>; Morales, Monica <Morales.Monica@epa.gov>; Jackson, Scott <Jackson.Scott@epa.gov>

Subject: FW: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form

Hi everyone,

Just wanted to loop you all into this inquiry below as an FYI in case someone (internal or external) reaches out to you about it.

Thanks,

Dee

From: Langenfeld, Matthew
Sent: Thursday, January 14, 2016 12:18 PM
To: Schiller, Ron <Schiller.Ron@epa.gov>
Cc: Rothery, Deirdre <Rothery.Deirdre@epa.gov>
Subject: FW: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form

FYI

From: Chappell, Regina
Sent: Thursday, January 14, 2016 12:12 PM
To: Sheena Christman <Sheena.Christman@law.utah.edu>
Cc: Langenfeld, Matthew <Langenfeld.Matthew@epa.gov>
Subject: RE: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form

Hi Sheena – The tribes in Utah are covered by our Region 8 office, and I believe they cover only tribes 3., 4., 5., & 6. as numbered below. The other tribes are covered by one of our other regional offices – this is probably due to where their main government (or headquarters) is located. You are correct that none of the 4 Utah tribes have a FIP. Unfortunately, I do not have specifics about why the tribes do not have a FIP; there could be a number of reasons. For more specific information, I am going to refer you to our Region 8 Tribal Air Coordinator, Matt Lagenfeld, lagenfeld.matthew@epa.gov, 303-312-6284. Thank you again for your interest in our tribal program. rc

From: Sheena Christman [<mailto:Sheena.Christman@law.utah.edu>]
Sent: Sunday, January 10, 2016 1:53 PM
To: Chappell, Regina <Chappell.Regina@epa.gov>
Subject: RE: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form

Hi Regina,

Thanks again for your response below.

I have a couple follow-up questions about Federal Implementation Plans (FIPs) under the CAA for tribes in Utah. There appears to be 7 federally recognized tribes with all or a part of their reservations in Utah: (1) Confederated Tribes of the Goshute Reservation, (2) Navajo Nation, (3) Northwestern Band of Shoshoni Nation, (4) Paiute Indian Tribe of Utah, (5) Skull Valley Band of Goshute Indians of Utah, (6) Ute Indian Tribe of the Uintah & Ouray Reservation, and (7) Ute Mountain Tribe of the Ute Mountain Reservation. My understanding is that, in general, the EPA develops a FIP for the tribes pursuant to its authority under the CAA, and there are a number of examples where the EPA has done so. However, it doesn't look like the EPA has developed a FIP for any one of the 7 tribes in Utah. My questions are:

- Am I correct in concluding that there are no EPA-issued FIPs for Utah tribes?
- If there is a FIP for one or more Utah tribes, can you point me to the relevant website/documentation? I searched the federal register without luck.
- If there are no FIPs for Utah tribes, why is this?
- If there are no FIPs for Utah tribes, does the EPA anticipate developing any FIPs in the near future?

Please let me know if you have any questions or need additional information in order to respond to my questions.

Thanks,

Sheena

Sheena M. Christman

J.D. Candidate 2016

S.J. Quinney College of Law

The University of Utah

Cell: 541.561.1742

sheena.christman@law.utah.edu

From: Chappell, Regina [Chappell.Regina@epa.gov]
Sent: Tuesday, October 27, 2015 1:19 PM
To: Sheena Christman
Cc: Mckelvey, Laura; Cortelyou-Lee, Jan
Subject: Form Submission - Permitting Under the Clean Air Act - Contact Us About Permitting Under the Clean Air Act Form



Hi Sheena – Thank you for your message on October 20, 2015, about Treatment as a State (TAS) for tribes under the Clean Air Act and a current list of those tribes.

When the EPA approves a tribe's eligibility request for TAS, that eligibility approval is not published in the Federal Register. Administrative TAS approvals, such as for grants, are also not published in the Federal Register. A Federal Register notice is published when a tribe receives approval from EPA for a Clean Air Act provision (regulatory) – such as a Tribal Implementation Plan (TIP) or a Title V (Part 70 or 71 Operating Permit program).

Here is one example of a Federal Register notice - the Gila River Indian Community TIP - <http://www.regulations.gov/#!documentDetail;D=EPA-R09-OAR-2007-0296-0055>. For more information on published Federal Register actions, please visit <http://www.reginfo.gov/public/> or <http://www.regulations.gov/#!home>.

I have attached a current list of tribes that have TAS eligibility approvals - we currently have 49 federally recognized tribes that have approved TAS eligibility.

Again, thank you for your inquiry. I hope the information provided is helpful to you. Please let us know if you need anything further. rc

-----Original Message-----

From: drupal_admin@epa.gov [mailto:drupal_admin@epa.gov]
Sent: Tuesday, October 20, 2015 8:19 PM
To: Cortelyou-Lee, Jan <Cortelyou-Lee.Jan@epa.gov>
Subject: Form submission from: Permitting Under the Clean Air Act Contact Us About Permitting Under the Clean Air Act form

Submitted on 10/20/2015 8:19PM

Submitted values are:

Name: Sheena Christman

Email Address: sheena.christman@law.utah.edu

Comments:

(1) When the EPA approves a tribe's submits an application for "treatment in the same manner as a state" under the Clean Air Act, is that approval published in the Federal Register?

(2) Do you have a current list of tribes that have TAS status under the Clean Air Act available online, or could you email me a current list if this is not available online?

Regina Chappell

OID & HEID Regulatory Liaison

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